

FISCAL NOTE

HB 2409 - SB 2971

February 2, 1998

SUMMARY OF BILL: Revises the procedures for obtaining a forfeiture warrant requiring prior investigation by the officer, the inclusion of more information in the affidavit, closer scrutiny by the judge, review by staff attorney of the agency involved after the warrant is issued, and a cause of action against the seizing agency for return of property and costs if the law is not complied with.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - Not Significant

Increase Local Govt. Expenditures* - Exceeds \$100,000

Assumes an increase in state and local government expenditures for additional administrative expense and possible costs to the extent that seized property must be returned and costs must be paid. Estimate assumes that some local governments may not have staff attorneys and may be forced to contract for additional legal counsel to review such warrants. For informational purposes, during calendar year 1997, a total of 14,608 vehicles were seized, of which local governments seized 11,976.

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James A. Davenport, Executive Director

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